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**DELEGATION OF AUTHORITY – TOXIC SUBSTANCES CONTROL ACT**

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12-3-E. Imminent Hazards

1. PURPOSE: This order redelegates certain authorities conferred on the Regional Administrator by Delegation 12-3E of the EPA Delegation Manual.
2. AUTHORITY: Pursuant to Section 7 of the Toxic Substances Control Act:
  - a. To determine that a chemical substance or mixture presents an imminent and unreasonable risk of serious or widespread injury to health or the environment under Section 7 of TSCA.
  - b. to take action including, but not limited to, causing the commencement of an action for seizure of a chemical substance or mixture that has been determined to present an imminent and unreasonable risk of serious or widespread injury, or article containing such substance or mixture, or for such other relief as authorized by Section 7, and to direct attorneys of the Environmental Protection Agency to appear and represent the Administrator in any such action.
3. TO WHOM REDELEGATED: The authority specified in 2.b. is hereby redelegated to the deputy regional administrator.
4. LIMITATIONS:
  - a. The authority in 2.a. is reserved for the regional administrator.
  - b. The RA must receive concurrence from the assistant administrator for the Office of Chemical Safety and Pollution Prevention before exercising the authority in 2.a. The AA for OCSPP will consider a review of the concurrence requirement in the future after more experience is gained with the use of TSCA Section 7, imminent hazard actions and criteria can be developed for those cases which will not require immediate rulemaking.
  - c. Redelegatees must consult with the assistant administrator for the Office of Enforcement and Compliance Assurance and the AA for OCSPP before exercising the authority in 2.b. The AA for OECA may waive consultation in writing.
  - d. Redelegatees must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising the authority to issue orders. The RC may waive concurrence in writing.
  - e. Redelegatees must have the concurrence of the general counsel before exercising the authority in 2.b. to commence a civil action pursuant to Section 7 of TSCA. The GC may waive concurrence in writing.

**ORDER**

R-1200

f. Before exercising the authority in 2.b., a corresponding determination that there is an "imminently hazardous chemical substance or mixture" under Section 7 of TSCA must have been made under 2.a.

5. FURTHER REDELEGATION:

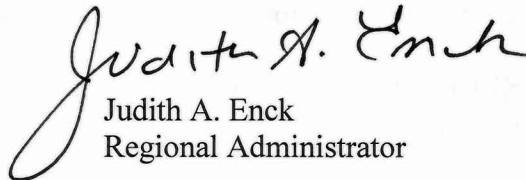
a. The authority specified in 2.b. may be further redelegated to the division director level, and no further.

b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

6. ADDITIONAL REFERENCES:

a. For civil actions under Section 7, see delegation 12-3A, entitled "Civil Judicial Enforcement Actions Including Collection Actions."

b. See also delegation 12-3D, entitled "Emergency Temporary Restraining Orders."

  
Judith A. Enck  
Regional Administrator